

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WILLIAM LOWREY HESSE II,

Plaintiff,

vs.

STEVEN N. ESCHENBACHER and
DONALD R. BELL,

Defendants.

CV-21-00048-M-DLC

ORDER

Plaintiff William Lowrey Hesse II filed his Complaint on April 20, 2021, alleging violations of his constitutional rights under 42 U.S.C. § 1983. (Doc. 2.) This Court screened the Complaint and concluded that it failed to state a claim upon which relief may be granted. (Doc. 8.) Hesse was given the opportunity to amend, with a filing deadline of September 17, 2021, if he could do so. He has failed to file an Amended Complaint.

Therefore, it is HEREBY ORDERED:

1. For the reasons explained in the Court's prior order, Plaintiff's Complaint is DISMISSED for failure to state a claim. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Hesse's filing of this action counts as one strike against him.
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 3rd day of December, 2021.

A handwritten signature in blue ink, reading "Dana L. Christensen", is positioned above a horizontal line.

Dana L. Christensen, District Judge
United States District Court